

Message Text

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ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTE-00 INR-11 NSAE-00 RSC-01 FAA-00 SSO-00 INRE-00

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DRAFTED BY EB/AN:WBCOBB:VLV

APPROVED BY EB/TT:JSMEADOWS

CAB - MR. BURCH

EA/PHL - MR. HULEN

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FM SECSTATE WASHDC

TO AMEMBASSY MANILA NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: ETRN, RP

SUBJECT: CIVAIR - SEIZURE PAL DC-10

REF: STATE 161478; ARNOLD-MEADOWS, AND ARNOLD-HULEN

TELECONS

1. FOLLOWING IS RECORD FOR EMBASSY INFO OF CAB DISCUSSIONS WITH PAL ATTORNEY WASHINGTON. ON JULY 22 CAB STAFF ADVISED CALKINS, PAL ATTORNEY, THAT BOARD WOULD NOT ISSUE FURTHER INDIVIDUAL PERMITS FOR DC-10 FLIGHTS IN ABSENCE CONCRETE EVIDENCE GOVERNMENT-TO-GOVERNMENT AGREEMENT REACHED ON CAPACITY ISSUE, PAL ATTORNEY REPORTED HE UNDERSTOOD FROM MANILA THAT AGREEMENT REACHED. HE SAID THAT IGOA HAD ATTENDED MEETING WITH EMBASSY REP, PAN AM REP AND NORTHWEST REP WHERE SUBJECT DISCUSSED. IT WAS IN THIS CONTEXT ACCORDING TO IGOA THAT POSSIBILITY THAT FLYING TIGER PERMIT MIGHT NOT BE RENEWED WAS BROUGHT UP. BOARD STAFF REITERATED THAT US GOVERNMENT HAD NO CONFIRMATION THAT GOP HAD GONE ALONG WITH DRAFT AGREEMENT, AND THAT WITHOUT AGREEMENT NO ADDITIONAL DC-10 FLIGHTS COULD BE

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APPROVED. ON JULY 24 AT 3:30 P.M. WASHINGTON TIME WHEN

ACCORDING TO PAL'S PROPOSED SCHEDULED DC-10 SHOULD HAVE BEEN ON GROUND IN HONOLULU, CHIEF CAB BUREAU ENFORCEMENT CALLED PAL ATTORNEY LARRY SHORT, IN ABSENCE CALKINS, TO ADVISE THAT BOARD HAD SPECIFICALLY AUTHORIZED BUREAU ENFORCEMENT TO TAKE ALL NECESSARY STEPS, INCLUDING SEIZURE AIRCRAFT, TO

ENSURE ENFORCEMENT BOARD'S ORDER DISAPPROVING SCHEDULES FOR DC-10'S. ENFORCEMENT DIRECTOR URGED PAL DISEMBARK PASSENGERS HONOLULU AND RETURN MANILA EMPTY. THRUST OF CONVERSATION WAS THAT ALTHOUGH AIRCRAFT NOT SEIZED HONOLULU, IT WOULD BE IF IT CONTINUED ON. APPROXIMATELY ONE HOUR LATER PAL ATTORNEY CALLED BACK TO SAY HE HAD CONTACTED IGOA WHO SAID (1) HE WAS NOT AWARE PAL'S FLIGHT HAD VIOLATED BOARD'S ORDER AND (2) IT WAS NOT POSSIBLE AT THAT TIME TO TURN AIRCRAFT AROUND. DEPARTMENT ALSO INFORMED PHIL EMBASSY THAT IF AIRCRAFT PROCEEDED TO SAN FRANCISCO ALL NECESSARY STEPS TO ENFORCE BOARD ORDER WOULD BE TAKEN. EMBASSY SUBSEQUENTLY REPLIED THAT IT WAS NECESSARY TO PROCEED SAN FRANCISCO FOR MAINTENANCE PURPOSES.

2. WE HAVE NOTED FROM AP WIRE STORY THAT IGOA ASSERTS THERE WAS TENTATIVE RECIPROCAL AGREEMENT SIGNED ON FRIDAY WITH CAB ALLOWING DC-10'S TO FLY TO US. THIS APPEARS TO BE INTENTIONAL EFFORT TO DISTORT CAB DECISION WHICH PERMITTED PAL'S THIRD DC-10 FLIGHT.

3. IN RESPONSE INQUIRY TODAY FROM FLYING TIGER, HAVE ADVISED WE SEE NO REASON WHY PRESENT PAL DIFFICULTIES SHOULD HAVE IMPACT ON ITS OPERATIONS.

4. AS OF THIS MOMENT PAL HAS NOT POSTED BOND WITH US ATTORNEY SAN FRANCISCO. BOARD HAS INFORMED US ATTORNEY THAT DOLS 200,000 IN LIEU 300,000 EARLIER MENTIONED BY PAL WASHINGTON ATTORNEY, WOULD BE SATISFACTORY. INGERSOLL

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